IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 11TH AUGUST 2006 / 20TH SRAVANA 1928

Bail Appl..No. 4945 of 2006

CRIME NO.168/2006 OF SOORANADU POLICE STATION

PETITIONER/ACCUSED

ANEESH, S/O.BASHEER,
KUTTIYILVILA VEETTIL, KAMBALADI AMSOM,
PORUVAZHI DESOM, KOLLAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, SOORANADU POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4945/2006

DATED THIS THE 11TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the accused, in crime No.168/2006 of Sooranadu Police Station along with other accused, for the offence punishable under Sections 143, 144, 147 and 307 IPC read with Section 149 IPC and also under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (prevention of Attrocities) Act, 1989, in short 'the Act'.

2. It is submitted by the prosecution that the petitioner was absconding. Therefore, the Investigating Officer had searched the house of the petitioner. During the search, the Investigating Officer could detect two G.I pipes, one chopper, one motor cycle chain and a cap, affixing the emblem of NDF. The prosecution further submitted that the petitioner is a person having connections with NDF organisation, which is considered by the Government as a terrorist organisation. Because of

the above, crime No.168/2006 of Sooranad police Station, was registered under Section 7 read with Section 25 of the Arms Act. The petitioner is before this Court, for an order under Section 438 Cr.P.C.

3. The learned counsel submitted that the petitioner had obtained an order under Section 438 Cr.P.C., in crime No.166/2006 and therefore, he was not absconding, as he is not required to appear anywhere else .

4. Considering the materials that are placed before me, I direct the petitioner to appear before the Investigating Officer, in crime No.168/2006 of Sooranad Police Station, on 18.8.2006 between 10.30 a.m and 11.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below on the same day itself. On production, the petitioner may move an application for bail and if there is no prayer for the custodial interrogation of the petitioner by the Investigating Officer, the learned

Magistrate, after hearing both sides, shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary. If any application for custodial interrogation is filed, the learned Magistrate shall consider the same on merit, as well.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs